



General Assembly

February Session, 2010

Amendment

LCO No. 3394

HB0520403394HDO

Offered by:

REP. RYAN, 139th Dist.

SEN. PRAGUE, 19th Dist.

REP. NOUJAIM, 74th Dist.

REP. AMAN, 14th Dist.

To: Subst. House Bill No. 5204

File No. 100

Cal. No. 71

**"AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
JOINT ENFORCEMENT COMMISSION ON EMPLOYEE
MISCLASSIFICATION."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 31-69a of the 2010 supplement to the general
4 statutes is repealed and the following is substituted in lieu thereof
5 (*Effective October 1, 2010*):

6 (a) In addition to the penalties provided in this chapter and chapter
7 568, any employer, officer, agent or other person who violates any
8 provision of this chapter, chapter 563a, chapter 557 or subsection (g) of
9 section 31-288, as amended by this act, shall be liable to the Labor
10 Department for a civil penalty of three hundred dollars for each
11 violation of said chapters and for each violation of subsection (g) of

12 section 31-288, as amended by this act, except that (1) any person who
13 violates [(1)] (A) a stop work order issued pursuant to subsection (c) of
14 section 31-76a, shall be liable to the Labor Department for a civil
15 penalty of one thousand dollars and each day of such violation shall
16 constitute a separate offense, and [(2)] (B) any provision of section 31-
17 12, 31-13 or 31-14, subsection (a) of section 31-15 or section 31-18, 31-23
18 or 31-24 shall be liable to the Labor Department for a civil penalty of
19 six hundred dollars for each violation of said sections, and (2) a
20 violation of subsection (g) of section 31-288, as amended by this act,
21 shall constitute a separate offense for each day of such violation.

22 (b) The Attorney General, upon complaint of the Labor
23 Commissioner, shall institute civil actions to recover the penalties
24 provided for under subsection (a) of this section. Any amount
25 recovered shall be deposited in the General Fund and credited to a
26 separate nonlapsing appropriation to the Labor Department, for other
27 current expenses, and may be used by the Labor Department to
28 enforce the provisions of chapter 557, chapter 563a, this chapter and
29 subsection (g) of section 31-288, as amended by this act, and to
30 implement the provisions of section 31-4.

31 Sec. 2. Subsection (g) of section 31-288 of the general statutes is
32 repealed and the following is substituted in lieu thereof (*Effective*
33 *October 1, 2010*):

34 (g) Any employer who (1) has failed to meet the requirements of
35 subsection (b) or (c) of section 31-284, or (2) with the intent to injure,
36 defraud or deceive any insurance company insuring the liability of
37 such employer under this chapter or the state of Connecticut because
38 of failure to pay workers' compensation assessments in accordance
39 with the provisions of section 31-345 or Second Injury Fund
40 assessments in accordance with the provisions of section 31-354, (A)
41 knowingly misrepresents one or more employees as independent
42 contractors, or (B) knowingly provides false, incomplete or misleading
43 information to such company concerning the number of employees, for
44 the purpose of paying a lower premium on a policy obtained from

45 such company, shall be guilty of a class D felony and shall be subject to
46 a stop work order issued by the Labor Commissioner in accordance
47 with section 31-76a."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	31-69a
Sec. 2	<i>October 1, 2010</i>	31-288(g)